

**UNITED STATES DISTRICT COURT FOR
THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,)	CASE NO. 8:08CR154
)	
Plaintiff,)	
)	
vs.)	FINAL ORDER OF
)	FORFEITURE
)	
DANIEL GALLARDO-CRUZ,)	
)	
Defendant.)	

This matter is before the Court on the United States' Motion for Final Order of Forfeiture (Filing No. 29). The Court reviews the record in this case and, being duly advised in the premises, find as follows:

1. On July 14, 2008, the Court entered a Preliminary Order of Forfeiture pursuant to the provisions of Title 18, United States Code, Sections 922(g)(5), 924(d) and Title 28, United States Code, Section 2461(c), based upon the Defendant's plea of guilty to Counts I and II of the Indictment filed herein. By way of said Preliminary Order of Forfeiture, the Defendant's interest in a .38 caliber Smith and Wesson was forfeited to the United States.

2. On July 31, August 7 and 14, 2008, the United States published in a newspaper of general circulation notice of this forfeiture and of the intent of the United States to dispose of the property in accordance with the law, and further notifying all third parties of their right to petition the Court within the stated period of time for a hearing to adjudicate the validity of their alleged legal interest(s) in said property. An Affidavit of Publication was filed herein on September 11, 2008 (Filing No. 28).

3. The Court has been advised by the United States no Petitions have been filed. From a review of the Court file, the Court finds no Petitions have been filed.

IT IS ORDERED:

A. The Plaintiff's Motion for Final Order of Forfeiture (Filing No. 29) is hereby sustained.

B. All right, title and interest in and to the .38 caliber Smith and Wesson, held by any person or entity, is hereby forever barred and foreclosed.

C. The .38 caliber Smith and Wesson, be, and the same hereby is, forfeited to the United States of America .

D. The United States Bureau of Alcohol, Tobacco and Firearms for the District of Nebraska is directed to dispose of said property in accordance with law.

DATED this 12th day of September, 2008.

BY THE COURT:

s/Laurie Smith Camp
United States District Judge